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MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of:
Charles R. Slater
Application No. 09/484247
Filing or 371(c) Date: 01/18/2000
Atty. Docket No.:
6530.0008-03

:
: ON APPLICATION FOR
: PATENT TERM ADJUSTMENT
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This letter is in response to the "PETITION FOR PATENT TERM ADJUSTMENT DUE TO EXAMINATION DELAY UNDER 37 C.F.R. § 1.181," filed July 26, 2011. Applicants submit that the correct patent term adjustment should be 141 days, not 79 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon an assertion that the Office erred in calculating an adjustment of 79 days pursuant to 37 CFR 1.702(c). The Application for Patent Term Adjustment is properly treated under 37 C.F.R. § 1.705(b).

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one hundred forty (**141**) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On July 13, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 79 days.

On July 26, 2011, applicant timely submitted the present application for patent term adjustment¹. Applicants dispute the period of adjustment of 79 days pursuant to 37 CFR 1.702(c) in connection with the interference, declared on September 21, 2010, and decided on December 8,

¹ Office records show that the present petition precedes payment of the Issue Fee, due on October 13, 2011.

2010. Applicants provide that pursuant to 37 CFR 41.205, an interference is considered terminated when no appeal (35 U.S.C. 141) or other review (35 U.S.C. 146) has been or can be taken or had, and that the time for appealing an interference decision under either 35 U.S.C. 141 or 146 as defined in 37 C.F.R. 1.304 is two (2) months from the date of final decision of the Board. Accordingly, Applicants aver that the period of adjustment pursuant to 37 CFR 1.703(c) includes the two (2) month period, from December 9, 2010, to February 10, 2011.

Applicant's arguments have been carefully considered. A review of the record confirms that an interference was declared on September 21, 2010, and terminated by the Board on December 10, 2010. Pursuant to 37 CFR 1.703(c), the period of adjustment beginning on the date an interference was declared, September 21, 2010, and ending on the date that the interference was terminated with respect to the application, February 10, 2011, or 141 days.

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is one hundred forty-one (141) days, subject to any terminal disclaimer.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations



**Patent
Term
Adjustments**



[PTA/PTE Information](#) [Patent Term Adjustment](#) [Patent Term Extension](#)

Application Number*: **09484247** [Search](#) [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTE Calculations for Application: 09484247

Application Filing Date	01/18/2000	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	:79
A Delays	0	PTO Manual Adjustment	62
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTE (days)	141

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
62	08/12/2011		P028	Adjustment of PTA Calculation by PTO	62	0	
59	07/13/2011		MN/=.	Mail Notice of Allowance	0	0	
58	07/12/2011		OAR	Office Action Review	0	0	
56	07/12/2011		DVER	Document Verification	0	0	
55	07/12/2011		N/=.	Notice of Allowance Data Verification Completed	0	0	
57	07/11/2011		IREV	Issue Revision Completed	0	0	
54	07/11/2011		CNTA	Allowability Notice	0	0	
46	06/30/2011		ABN9	Disposal for a RCE / CPA / R129	0	0	
49	06/24/2011		IDSC	Information Disclosure Statement considered	0	0	
48	06/24/2011		M844	Information Disclosure Statement (IDS) Filed	0	0	
47	06/24/2011		RCEX	Request for Continued Examination (RCE)	0	0	
45	06/24/2011		DRWF	Workflow - Drawings Finished	0	0	
44	06/24/2011		WIDS	Information Disclosure Statement (IDS) Filed	0	0	
43	06/24/2011		BRCE	Workflow - Request for RCE - Begin	0	0	
42	04/26/2011		FIDC	Finished Initial Data Capture	0	0	
41	04/21/2011		TCPB	Printer Rush- No mailing	0	0	
40	04/19/2011		PUBTC	Pubs Case Remand to TC	0	0	
39	04/12/2011		EIDC	Export to Initial Data Capture	0	0	
38	04/07/2011		MEX.A	Mail Examiner's Amendment	0	0	
37	04/07/2011		MN/=.	Mail Notice of Allowance	0	0	
36	04/06/2011		IREV	Issue Revision Completed	0	0	
35	04/06/2011		DVER	Document Verification	0	0	
34	04/06/2011		N/=.	Notice of Allowance Data Verification Completed	0	0	
33	04/06/2011		EX.A	Examiner's Amendment Communication	0	0	
32	04/06/2011		CNTA	Allowability Notice	0	0	
28	03/23/2011		IDTC	Interference dispatch to TC	0	0	
27	12/09/2010		MID/F	Mail Interference Decision - Favorable	0	0	
26	12/08/2010	09/21/2010	ID/F	Interference Decision on Priority - Favorable	79	25	
25	09/21/2010		I.D.	Declaration of Interference	0	0	
23	08/30/2010		CTID	Interference Initial Memo Disposal	0	0	
22	04/09/2003		FWDX	Date Forwarded to Examiner	0	0	
21	04/09/2003		EOSP	to Close the A/R Record and Reset the Status for Expired Suspensions.	0	0	
20	10/08/2002		MLSP	Mail Letter of Suspension	0	0	
19	10/07/2002		LSP	Suspension - Examiner Initiated	0	0	
17	12/28/2001		FWDX	Date Forwarded to Examiner	0	0	
16	12/26/2001		A...	Response after Non-Final Action	0	0	
15	12/18/2001		2092	FAOM Flag Change	0	0	
14	12/01/2001		MCTMS	Mail Miscellaneous Communication to Applicant	0	0	
13	11/19/2001		CTMS	Miscellaneous Action with SSP	0	0	
12	09/18/2001		EXIN	Examiner Interview Summary Record (PTOL - 413)	0	0	
0	06/12/2001		DUMMY	Dummy Standard Action - DO Not DELETE	0	0	
9	09/16/2000		DOCK	Case Docketed to Examiner in GAU	0	0	
8	07/19/2000		OIPE	Application Dispatched from OIPE	0	0	
7	07/18/2000		COMP	Application Is Now Complete	0	0	
6	07/18/2000		C.JAD	Correspondence Address Change	0	0	
18	07/11/2000		FLFEE	Payment of additional filing fee/Preexam	0	0	
5	03/03/2000		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0	0	
4	03/03/2000		C.JAD	Correspondence Address Change	0	0	
3	02/17/2000		SCAN	IFW Scan & PACR Auto Security Review	0	0	
2	02/17/2000		G050	Preexamination Location Change	0	0	
1	01/21/2000		IEXX	Initial Exam Team nn	0	0	
11	01/18/2000		A.PE	Preliminary Amendment	0	0	
10	01/18/2000		A.PE	Preliminary Amendment	0	0	

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